IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5839 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

@

GSRTC

Versus

RM CHAVDA

Appearance:

1. Special Civil Application No. 5839 of 2000

MR ASHISH M DAGLI for Petitioner No. 1

RULE SERVED for Respondent No. 1

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 28/09/2001

ORAL JUDGEMENT

#. The matter has been admitted and ad-interim relief has also been granted. The matter is placed for confirmation of interim relief.

#. I have heard Mr.Dagli, learned advocate, for the petitioner. At the request of the Court Mr.Dagli argued the matter finally and accordingly the matter is taken up for final hearing today.

#. By the impugned award, the Industrial Tribunal set aside the order of recovery of Rs.1000/- passed by the S.T.Corporation against the respondent workman. The respondent workman was driving the bus at the relevant time. He was subjected to the departmental proceedings on the ground that there was some damage to the front side wheel of the S.T.Bus which according to the department was due to some negligent driving on the part of the respondent workman. On that basis, he was subjected to recovery of Rs.1000/- Ultimately, the matter had gone to the Industrial Tribunal as the respondent workman raised the industrial dispute which was numbered as Reference (ITN) No.261 of 1998. The Industrial Tribunal came to the conclusion that the concerned workman is serving as driver since last 20 years. The Tribunal also accepted the say of the workman that, suddenly there was mechanical failure as front side angle dashed with the front wheel and he immediately stopped the Bus. Ultimately, it was found by the Tribunal that as per the report of the mechanic and other officers, no portion of the front side of the bus to have been found damaged. However, the Tribunal came to the conclusion that the respondent workman was denied the opportunity of cross examining the witnesses of the department. The Tribunal came to the conclusion that the negligence of the respondent workman cannot be said to have been proved, and therefore, the Tribunal set aside the order of recovery of Rs.1000/-

#. Considering the reasonings given by the Industrial Tribunal and considering the fact that the amount which is involved is also a petty amount of Rs.1000/-. This is not a case in which this court should exercise its extra ordinary jurisdiction under Article 226/227 of the Constitution. In that view of the matter, this petition is not required to be entertained, hence rejected. Rule is discharged with no order as to costs. Interim relief granted earlier stands vacated.

(P.B.Majmudar,J)
(pathan)